

H.R.1300

Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion
Protection Act of 2009 (Introduced in House)
HR 1300 IH

111th CONGRESS
1st Session
H. R. 1300

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

IN THE HOUSE OF REPRESENTATIVES

March 4, 2009

Mr. BURTON of Indiana (for himself, Mr. LAMBORN, Mr. RADANOVICH, Mr. BROWN of South Carolina, Mr. WESTMORELAND, Mr. FRANKS of Arizona, Ms. FOXX, Mr. MARCHANT, Mr. SIMPSON, Mr. FORTENBERRY, Mr. BARTON of Texas, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2009'.

SEC. 2. LIMITATIONS ON CERTAIN LAWSUITS AGAINST STATE AND LOCAL OFFICIALS.

(a) Civil Action for Deprivation of Rights- Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended--

(1) by inserting '(a)' before the first sentence; and

(2) by adding at the end the following:

'(b) The remedies with respect to a claim under this section are limited to injunctive and

declaratory relief where the deprivation consists of a violation of a prohibition in the Constitution against the establishment of religion, including, but not limited to, a violation resulting from--

- `(1) a veterans' memorial's containing religious words or imagery;
- `(2) a public building's containing religious words or imagery;
- `(3) the presence of religious words or imagery in the official seals of the several States and the political subdivisions thereof; or
- `(4) the chartering of Boy Scout units by components of States and political subdivisions, and the Boy Scouts' using public buildings of States and political subdivisions.'

(b) Attorney's Fees- Section 722(b) of the Revised Statutes of the United States (42 U.S.C. 1988(b)) is amended by adding at the end the following: `However, no fees shall be awarded under this subsection with respect to a claim described in subsection (b) of section nineteen hundred and seventy nine.'

SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE UNITED STATES AND FEDERAL OFFICIALS.

(a) In General- Notwithstanding any other provision of law, a court shall not award reasonable fees and expenses of attorneys to the prevailing party on a claim of injury consisting of the violation of a prohibition in the Constitution against the establishment of religion brought against the United States or any agency or any official of the United States acting in his or her official capacity in any court having jurisdiction over such claim, and the remedies with respect to such a claim shall be limited to injunctive and declaratory relief.

(b) Definition- As used in this section, the term `a claim of injury consisting of the violation of a prohibition in the Constitution against the establishment of religion' includes, but is not limited to, a claim of injury resulting from--

- (1) a veterans' memorial's containing religious words or imagery;
- (2) a Federal building's containing religious words or imagery;
- (3) the presence of religious words or imagery in the official seal of the United States and in its currency and official Pledge; or
- (4) the chartering of Boy Scout units by components of the Armed Forces of the United States and by other public entities, and the Boy Scouts' using Department of Defense and other public installations.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date of the enactment of this Act and apply to any case that--

- (1) is pending on such date of enactment; or
- (2) is commenced on or after such date of enactment.

